

RECEIVED
CENTRAL FAX CENTER

AUG 14 2009

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 10/542,179
Filed: 5 October 2005
By: Seewald
For: Method of Making Sausages

Examiner: Gwartney, Elizabeth A.
Art Unit: 1794
Confirmation No.: 7828

P.O. Box 381516
Cambridge MA 02238-1516
17 July 2009

Hon.
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Amendment

Sir:

Having under separate cover filed a request to extend the period for response to the final Office Action mailed 18 March 2009 by one (1) month to 18 July 2009, Applicant courteously requests reconsideration and withdrawal of the rejection of his current claims 5-18.

For reasons hereinafter set forth, Applicant respectfully urges that the Examiner not only has not understood the instant invention but has also stretched the variously propounded arguments of obviousness of claims 5-18 beyond limits, to which, to quote Mr. Justice Benjamin Cardozo, "equity does not lend the hand of healing benediction". Indeed, given the state of the art as represented by the references cited by the Examiner and the superior quality of the sausage obtained by practicing Applicant's invention, one may justly pose the query why the extraordinarily competitive food processing industry, presumably always keen on providing consumers with superior sausage products, has not *sua sponte* resorted to the ways and means alleged by the Examiner to be obvious to supply the market with superior sausage products. The answer no doubt is that not only is Applicant's invention new, but persons skilled in the art have not found it to be obvious, the Examiner's obvious *ex post*